

REMARKS

This is a full and timely response to the non-final Office Action mailed September 8, 2006. Upon entry of the amendments in this response, claims 1 – 3, 5 – 26, 28 – 31 and 33 – 38 are pending. In particular, Applicants have amended claims 1, 5, 9, 13 – 14, 16 – 17, 19, 21 – 24, 26, 28 – 31, 33 – 36, and 38, and have canceled claim 25 without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claims 1 – 3, 5 – 10, 14 – 22, 26, 28 – 31, 33 and 36 – 38 are Patentable Over Herz in View of Arai and Tao

The Office Action rejects claims 1 – 3, 5 – 10, 14 – 22, 25, 26, 28 – 31, 33 and 36 – 38 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,088,722 to Herz (“*Herz*”) in view of U.S. Publication No. 2002/0073425 to Arai (“*Arai*”) in view of U.S. Patent No. 5,978,043 to Blonstein (“*Blonstein*”) and further in view of U.S. Patent No. 6,441,832 to Tao (“*Tao*”).

Independent Claim 1

Applicants respectfully submit that independent claim 1, as amended, patently defines over the proposed combination of *Herz*, *Arai*, *Blonstein*, and *Tao* for at least the reason that neither *Herz*, *Arai*, *Blonstein*, nor *Tao*, discloses, teaches or suggests at least the feature of logic configured to “provide a user interface to enable a user to define a media presentation of the media instances from the plurality of media streams, in advance of a time corresponding to the media presentation, ***by ranking media information***

categories and by selecting and ranking desired media information within at least one of the media information categories” as recited in claim 1.

Rather, Applicants have reviewed the *Herz, Arai, Blonstein*, and *Tao* disclosures and have not found any mention of defining a media presentation by “ranking media information categories and by selecting and ranking desired media information within at least one of the media information categories” at all. Thus, the *Herz, Arai, Blonstein*, and *Tao* disclosures appear to be silent with respect to any such teaching or suggestion.

Similarly, Applicants submit that claim 1 is patentable over the proposed combination of *Herz, Arai, Blonstein*, and *Tao* for at least the additional and independent reason that the proposed combination of *Herz, Arai, Blonstein*, and *Tao* does not disclose, teach or suggest the feature of continually and automatically segueing media stream changes “*based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories*” as recited in claim 1.

Rather, Applicants have reviewed the *Herz, Arai, Blonstein*, and *Tao* disclosures and have not found any mention of segueing media stream changes “based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories” at all. Thus, the *Herz, Arai, Blonstein*, and *Tao* disclosures appear to be silent with respect to any such teaching or suggestion.

For at least these reasons, Applicants submit that independent claim 1 is allowable over the proposed combination of *Herz, Arai, Blonstein*, and *Tao*. Furthermore, because

claim 1 is believed to be allowable, dependent claims 2 – 3 and 5 – 24 are allowable for at least the same reasons.

Independent Claim 26

Applicants respectfully submit that independent claim 26, as amended, patently defines over the proposed combination of *Herz*, *Arai*, *Blonstein*, and *Tao* for at least the reason that neither *Herz*, *Arai*, *Blonstein*, nor *Tao*, discloses, teaches or suggests at least the feature of “providing a user interface to a user to receive user definition of media information that characterizes media instances for the media presentation by providing a plurality of screen displays for receiving user input that defines the order of the media instances within the media presentation with increasing detail ***by, in advance of a time corresponding to the media presentation, ranking media information categories and by selecting and ranking desired media information within at least one of the media information categories***” as recited in claim 26.

Rather, Applicants have reviewed the *Herz*, *Arai*, *Blonstein*, and *Tao* disclosures and have not found any mention of defining a media presentation by “ranking media information categories and by selecting and ranking desired media information within at least one of the media information categories” at all. Thus, the *Herz*, *Arai*, *Blonstein*, and *Tao* disclosures appear to be silent with respect to any such teaching or suggestion.

Similarly, Applicants submit that claim 26 is patentable over the proposed combination of *Herz*, *Arai*, *Blonstein*, and *Tao* for at least the additional and independent reason that the proposed combination of *Herz*, *Arai*, *Blonstein*, and *Tao* does not disclose, teach or suggest the feature of automatically segueing media stream changes “***to present***

the media instances from the plurality of media streams corresponding to the order of the media instances that is based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories” as recited in claim 26.

Rather, Applicants have reviewed the *Herz, Arai, Blonstein*, and *Tao* disclosures and have not found any mention of segueing media stream changes “based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories” at all. Thus, the *Herz, Arai, Blonstein*, and *Tao* disclosures appear to be silent with respect to any such teaching or suggestion.

For at least these reasons, Applicants submit that independent claim 26 is allowable over the proposed combination of *Herz, Arai, Blonstein*, and *Tao*. Furthermore, because claim 26 is believed to be allowable, dependent claims 28 – 31 and 33 – 38 are allowable for at least the same reasons.

Dependent claims 2 – 3, 5 – 10, 14 – 22, 25, 28 – 31, 33 and 36 – 38

Applicants submit that the §103 rejection to dependent claims 2 – 3, 5 – 10, 14 – 22, 28 – 31, 33 and 36 – 38 is rendered moot in light of any of the arguments made above and, therefore, claims 2 – 3, 5 – 10, 14 – 22, 28 – 31, 33 and 36 – 38 are allowable as a matter of law for at least the reason that claims 2 – 3, 5 – 10, 14 – 22, 28 – 31, 33 and 36 – 38 contain all the features and elements of their corresponding independent claim. Furthermore, claim 25 is cancelled and, therefore, its rejection is moot.

II. Claims 11 – 13 and 34 - 35 are Patentable Over *Herz* in View of *Arai* and *Maze*

The Office Action rejects claims 11 – 13 and 34 - 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Herz* in view of *Arai* in view of U.S. Patent No. 6,216,264 to Maze (“*Maze*”).

Applicants submit that the §103 rejection to dependent claims 11 – 13 and 34 - 35 is rendered moot in light of any of the arguments made above and, therefore, claims 11 – 13 and 34 - 35 are allowable as a matter of law for at least the reason that claims 11 – 13 and 34 - 35 contain all the features and elements of their corresponding independent claim.

III. Claim 23 is Patentable Over *Herz* in View of *Arai* in View of *Tao* in View of *Blonstein* and *Tanaka*

The Office Action rejects claim 23 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Herz* in view of *Arai* in view of *Tao* and *Blonstein* in view of U.S. Patent No. 4,393,502 to Tanaka (“*Tanaka*”).

Applicants submit that the §103 rejection to dependent claim 23 is rendered moot in light of any of the arguments made above and, therefore, claim 23 is allowable as a matter of law for at least the reason that claim 23 contains all of the features and elements of its corresponding independent claim.

IV. Claim 24 is Patentable Over *Herz* in View of *Arai* in View of *Blonstein* and *Tao* in View of *Inoue*

The Office Action rejects claim 24 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Herz* in view of *Arai* in view of *Tao* and *Blonstein* in view of U.S. Patent No. 5,729,280 to Inoue ("*Inoue*").

Applicants submit that the §103 rejection to dependent claim 24 is rendered moot in light of any of the arguments made above and, therefore, claim 24 is allowable as a matter of law for at least the reason that claim 24 contains all of the features and elements of its corresponding independent claim.

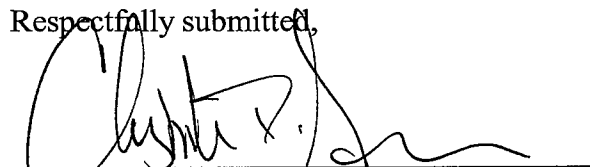
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


Christopher D. Guinn, Reg. No. 54,142

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500